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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/303,368 04/30/99 BRIGHT

M BU9-99-021

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TM02/0919

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EXAMINER

D. CONNOR, G.	
ART UNIT	PAPER NUMBER

2167
DATE MAILED:

09/19/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/303,368

Applicant(s)
Bright et al.

Examiner
O'Connor

Art Unit
2167



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 28, 2001 (Request for CPA) and August 3, 2001 (Amdt "B")
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-4, 6, 8-9, 11, and 13-24 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6, 8-9, 11, and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Preliminary Remarks

1. The request filed on August 28, 2001 (Paper N^o 11) for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/303,368 is acceptable and a CPA has been established. An Office action on the CPA follows.
2. The previously unentered amendment submitted by applicant on August 3, 2001 (Paper N^o 9) has now been entered and is hereby acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4, 6, 8-9, 11, and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al. See, in particular, Figures 13 and 15.

Blinn et al. clearly anticipates all of the substantive elements of the instant invention, except that the system of Blinn et al. is an integrated, unitary system, performing all necessary

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processing steps/functions, whereas the system contemplated by the instant invention, while performing exactly the same steps/functions overall, merely splits the various processing steps/functions out into two separate processing systems, a “pre-processor” and a “processor.”

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Blinn et al., so as to split the processing steps/functions out into two separate modules or processing systems, a “pre-processor” and a “processor,” in order to improve overall system performance/throughput, since it is well settled that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

5. Claims 1, 3-4, 6, 8-9, 11, and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.

Johnson et al. clearly anticipates all of the substantive elements of the instant invention, except that the system of Johnson et al. is an integrated, unitary system, performing all necessary processing steps/functions, whereas the system contemplated by the instant invention, while performing exactly the same steps/functions overall, merely splits the various processing steps/functions out into two separate processing systems, a “pre-processor” and a “processor.”

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Johnson et al., so as to split the processing steps/functions out into two separate modules or processing systems, a “pre-processor” and a

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“processor,” in order to improve overall system performance/throughput, since it is well settled that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Response to Arguments

6. Applicant’s arguments filed on August 3, 2001 have been fully considered, but are moot in view of the new ground(s) of rejection.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to the disclosure.

8. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, Jerry O’Connor, whose telephone number is (703) 305-1525.

GJOC



September 15, 2001



ROBERT P. OLSZEWSKI
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